

## THE NATURE CONSERVANCY

STACKS

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"The only reason the earth's atmosphere contains oxygen for us to breathe, and with which to burn fossil fuels, is that oxygen is constantly being given off by green plants. If we reach a point at which the rate of combustion exceeds the rate of photosynthesis, the oxygen content of the atmosphere will start to decrease....I suspect we are very close to that critical point but I shall not try to defend this opinion..."

Dr. LaMont Cole, Cornell University

## DDT DECISION - IMPROVEMENT, BUT DISAPPOINTING

The State of Connecticut Board of Pesticide Control on February 16, 1967 announced its decision concerning DDT use after studying the testimony given at a Public Hearing on December 1, 1966. This public hearing was held as a result of the Resolution of the Pequot-sepos Wildlife Sanctuary submitted to the Board in May 1966 which Resolution, after a page of explanation (see article in the November 1966 Chapter Newsletter) resolved "that the Pequot-sepos Wildlife Sanctuary advocates and recommends that the Connecticut State Board of Pesticide Control ban the chemical pesticide DDT for ground application by commercial applicators and by state agencies."

The Hearing was attended by approximately 200 persons, the great majority of which were present in support of the resolution. Twenty testimonies were given in support of the resolution, five in opposition. In addition, letters and telegrams were received by the Board - 149 in support; 4 opposed. One hundred eighteen pages of testimony were given: 97 in support; 21 opposed.

The Board issued the following regulations to become effective as soon as printed in the Connecticut Law Journal, "prohibiting the use of DDT by custom pest control operators, as follows:

1. For the control of mosquitos except when authorized by the Commissioner of Health to control vectors of human disease.

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## MIANUS VALLEY - A PROJECT TO CREATE THE STATE'S LARGEST NATURE PRESERVE

The Mianus River Valley is the site of a preservation project which, it is planned, will become the state's largest Nature Preserve. If the State Legislature passes the million-dollar appropriation (HB 2357) and a matching appropriation as anticipated comes from the federal government under its Open Space program, acquisition will begin this Spring.

More than a 1,000 acres in the north-western section of Stamford will be in this wilderness strip some four miles long ranging between one-half and one mile wide along the Mianus River Valley from the New York state line to south of the Merritt Parkway. The State Park and Forest Commission, which is actively supporting this project, will have jurisdiction over the Preserve.

This primitive area, named after the Indian Chief Myanos who sold land to Stamford's first settlers, will be the wild Central Park of Fairfield County.

The prime local movers who have snatched this large strip of nature from the blades of the bulldozer organized themselves only last April as the Mianus Valley Conservation Association. All owners of land in the valley on both sides of the river are members, along with a number of other citizens interested in conservation. Mr. Booth Hemingway, president of this Association has done much of the negotiations locally and in Hartford with state officials.

The executive committee includes Mr. and Mrs. Anthony Anable of Stamford, who

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PRIVATE APPROACHES TO THE PRESERVATION  
OF OPEN LAND

"An owner wishing to dedicate open land as part of the natural heritage has a variety of legal approaches open to him." So states the author, Russell L. Branneman, in the beginning of his Foreword to the above entitled book. A specialist in real estate law with considerable experience in the variety of methods for preserving open land, the author has drawn from many sources to collate a guide book wherein he discusses and analyzes the various different methods possible for preservation of open land into the future.

"Whereas the activity of public agencies in the creation and preservation of open land is gaining momentum," states the author, "there is a real need for private action." .... "In countless cases of importance in the conservation movement, public action has followed private initiative."

"Speed and flexibility are the hallmarks of private action. An individual or a group of private citizens can move quickly to plug a critical hole in the dike holding back the oceans of concrete and macadam." .... Mr. Branneman then adds, "The relationship between public and private actions is symbiotic. Each is critical to the vitality of the other."

Believing that the dedicated owner of open land is the most important member of the conservation planning team, Mr. Branneman has attempted to address his book to this owner as well as to his attorney. Various legal instruments and approaches are evaluated from the standpoint of their usefulness in preserving our natural heritage: outright transfers and those in trust; easements and leaseholds; conditions and limitations; restrictive covenants. One chapter is devoted to the tax aspects of these different methods. The book also includes a discussion of the relationship between private open land programs and public approaches and includes some documents which may be of interest to those using the text.

Because they believe this book is a significant contribution to a great cause,

MIANUS VALLEY ... (continued)

have worked tirelessly since 1953 to preserve some 235 acres in the Mianus Gorge just over the state line in New York. This Nature Conservancy project, which is yet to be rounded out, was the first area in the United States to be designated a Natural History Landmark.

It is hoped that future preservation will connect these two projects so that trails may eventually extend ten or more miles along a tumbling river, past a reservoir, through forests that date back to the Puritans and along the lovely Mianus River Gorge in NEW YORK.

"The acquisition of properties, either through donation or purchase will be intermittent," stated Mr. Hemingway, "and it will only be as the state takes ownership that nature trails can be put in. The first purchase will be the 130 acres just south of the New York state line."

This 130-acre tract is presently being held by The Nature Conservancy. To keep this key tract out of the hands of developers, the Mianus River Gorge Committee (which the Anaboles had organized for that project several years ago) made a stop-gap down payment on the land for the Conservancy, with the committee's land acquisition funds.

The preserve would be restricted to walking, riding and fishing, with the State Park and Forest Commission planning and managing the program. Commissioner Joseph N. Gill of the Department of Agriculture and Natural Resources has stated, "The State of Connecticut is on record as a staunch supporter of the Mianus River Valley plan and will do everything possible to assure its success."

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PRIVATE APPROACHES ... (continued)

The Conservation and Research Foundation has made this book available for general distribution. Copies may be obtained at \$10 each, payable to the Foundation, from Mrs. John Merrill, 13 Woodsea Place, Waterford, Connecticut, 06385.

Editor's Note: From those of us in the Connecticut Chapter who have known of the diligent and long searching efforts which have produced this book, let us add - well done, Russ.

## STATE SYSTEM OF NATURE PRESERVES

The 1967 Connecticut General Assembly has before it for consideration bills which will set up a State System of Nature Preserves. Many of you will recall that in 1965 the Connecticut General Assembly considered nature preserves bills. At that time many groups registered support. Repeated statements of support by such groups as well as added support by others may ensure passage this time.

Our Connecticut Chapter of The Nature Conservancy, at its Annual Meeting last Fall, reaffirmed its support for the creation of a State System of Nature Preserves. This January the Forestry Committee of the Connecticut Forest and Park Association approved the idea. Perhaps the most encouraging news recently received is the approval of the Nature Preserves Bill by the Connecticut Park and Forest Commission which will be the state agency under whose auspices, as it is contemplated, the System of Nature Preserves will be placed.

It is understood that the Connecticut Citizens Committee for Nature Conservation, the action group formed to marshal support for the Nature Preserves bill, is again active and will undoubtedly more fully inform and seek cooperation of our membership as was done two years ago.

There are many areas in Connecticut which deserve the careful attention and protection that this legislation will help to bring about.

With a bit of extra effort by those of us who care, Connecticut should find itself joining her far-sighted, thoughtful of the future, sister states who already have enacted legislation providing for state nature preserve systems.

Anyone desiring further information or desiring to assist in this effort may contact Atty. Richard M. Bowers, Chairman of the Citizens Committee for Nature Conservation, Box 147, Old Mystic, Connecticut 06372.

## BARRETT PRESERVE BEGUN

The Nature Conservancy received the first of several contemplated deeds in December 1966 to what is to become the Barrett Preserve - a Natural Area of some 60 acres in the Town of Ledyard in Southeastern Connecticut.

This first deed was a gift of Miss Marion Barrett of Ledyard and consists of her interests in some 15 acres. It is anticipated that other deeds from members of the Barrett Family will complete transfer of title in 1967 to The Nature Conservancy.

This Preserve is a post agricultural area of a highly dissected topography, laced with high stone walls hinting of its pastoral heritage. It is now a mixed hardwoods forest, primarily oak. Conspicuous patches of ground pine, lovely rock ledges and outcrops, and a pretty stream coursing through - all enhance this new Preserve.

The Town of Ledyard is an area which is growing at an alarming rate. In order to prevent deterioration of this town's quality it is vital to have dedicated open space tracts. The Barrett Preserve serves very importantly in this role of preserving green breathing space nearby developing tracts. The importance of the Barrett Preserve will be recognized more and more as fewer acres of open space remain for public benefit and proper use.

Let the reader refer back for a moment to the quotation at the beginning of this Newsletter and realize the importance of such tracts as the Barrett Preserve throughout our countryside. Perhaps then the immeasurable value of individual instances of personal charitable giving will be recognized. Dedicated acts of giving such as is being engaged in by the Barrett Family will make it much more likely that our children and grandchildren will have some of the rich, varied and abundant heritage we are now enjoying. Let's hope more of us will find it possible to follow the outstanding example of excellent public stewardship shown by the Barrett Family.

## ACROSS THE CHAIRMAN'S DESK

Activities involving the Connecticut Chapter of The Nature Conservancy have increased tremendously in the past few months. Recently there have come to me a variety of projects, conservation situations and interesting data that as Chairman I'd like to share with you all.

Monthly meetings of the Executive Board and Trustees have been instituted to work on our many activities. These are held at noon on the first Wednesday of the month at the Holiday Inn, Milford (Conn. Turnpike, Exit 39). All members who would like to join us in discussion or in sharing activities are invited to come. (It would be helpful if Thomas Gaines, our Recording Secretary were notified of your intent.) Every third month the Quarterly meeting (a larger, more formal session) is held at various sites about the State. Our next quarterly meeting will be on April 8th at the home of Mrs. John Hamilton in Old Greenwich.

Some of the recent inquiries and calls for help received have been: a) a town without funds to purchase a wetland preserve adjacent to a school when available (TNC took an option to give the local Action Committee time to raise funds and will turn over the Natural Area with a reverter clause thus preserving a pond, gorge and stream complex.) b) an individual who has interested a group in protecting a stream valley along her property and that of others by gifts and local funding; c) no less than five areas of tidal marsh are under negotiation (these are all gift projects).

Let me also mention the dedicated efforts of the Save-the-Wetlands Committee in preserving wetland areas. Their recent newsletter, we hope, was received by all. If you live along a tidal marsh area of the coast and wish to help preserve it in your area, please drop a line to me. Your knowledge, your experience and/or your efforts can be of help in this critical preservation cause.

The Devil's Den Preserve is currently the subject of a special scientific study being set up under a research grant. --At a recent Executive Board meeting announce-

ment was made of an anonymous gift of \$100 to underwrite card photos of native wild plants found in our Connecticut Natural Areas. If you think you have any suitable, please send them to Mrs. John Hamilton, 9 Binney Lane, Old Greenwich. -- A Chapter Foundation Committee has been established to which have been appointed Mr. Raymond T. Benedict of Stamford, Mr. Philip H. English of New Haven and Mr. A. Myrick Freeman of Haddam. -- Also appointed to assist in the gathering of news for our Newsletter have been Mr. Booth Hemingway and Mrs. Marten Tafel, both of Stamford.

A copy of the transcript of the DDT Hearing held before the State Board of Pesticide Control last December 1st is now co-owned by the Connecticut Chapter and the Pequot-sepos Wildlife Sanctuary, which through the efforts of their Curator (and our Vice Chairman) Robert Kunz brought this hearing about. The transcript can be read by any of our members at the Sanctuary (in Mystic) where this large volume will be kept for reference. It was a good hearing and should be fascinating reading for all interested in pesticide documentation. Mr. Roland Clement, Dr. Richard Goodwin, Dr. Stephen Collins were among many of our illustrious members taking part. Not only does Bob Kunz deserve credits for this hearing but likewise so does our Treasurer Richard Bowers deserve commendation for the years of effort preceding this hearing which he has applied to pesticide problems.

The Higginson Land Trust recently organized, had a meeting at which Russ Brenneman of Essex, and I talked informally about the Conservancy, its aims, policies and ways in which it could help trusts, commissions and individuals. If any of you are involved with land trusts, conservation commissions or private foundations we recommend this way of introducing the Conservancy as a possible catalyst for community action. -- Land preservation methods were the topic of a joint meeting of the Connecticut Association of Conservation Commissions and the State Soil Conservation Division at which Oakes Plimpton, a lawyer from the Conservancy's National Office spoke on "Conservation Easements" and Mr. Brenneman spoke on "Some Approaches to the Preservation of Open Land." This was a special meeting for conservation commissions and land trust officers. (con't. on page 6)

### DDT DECISION ... (continued)

2. For the control of insect on shade and forest trees and woody ornamental plants, on non-agricultural land, when foliage is present."

The Board also voted to request compliance with the above by municipalities and has been assured of compliance by the State Health and Highway Departments.

The statement by the Board also stated that "Confining the use of DDT on trees to the period before buds open will avoid damage to most residential and migrating song birds and will furthermore prevent application of DDT during the nesting period for such birds."

The Board also stated that it continues to move towards the orderly elimination of the use of DDT - as was recommended by the President's Scientific Advisory Committee.

This decision while an improvement, is disappointing for it is only a small step in the right direction. Item 1 is commendable and represents the major improvement of this decision. Item 2 although an improvement, ignores the fundamental objection to DDT - its deadly persistence which allows it to build up in the environment, in animal food chains, and to kill years after its last application. The weakness of the decision lies in allowance by the Board of Continued use of DDT in the open environment, proven over and over again to be destructive to wildlife and the environment in general.

All indications are and studies prove that the osprey is dying as a species in Connecticut. If this decision is allowed to stand, the osprey will continue to be exposed to DDT. The evidence against DDT as a destructive force, uncontrollable in our environment, as a killer of wildlife, as a persistent insidious and deadly poison, is monumental.

Testimony clearly bearing out this point was given by several people including the following testimony by Dr. Charles Wurcester who quoted a recent study (from the Journal of Gynecology) by Dr. Peter Ames which shows strong circumstantial relationship between the amount of DDT present in the eggs and their failure to

hatch. "A normal, uncontaminated osprey population will produce something like 2.5 young per year. . . In Maryland, they produce something a little under half of that, 1.1 per year, and there the eggs contain 3 parts per million DDT on the average. Here in Connecticut, they contain 5.1 parts per million DDT and they produce 0.5 young per nesting, so you can see a very simple relationship. The higher the amount of DDT, the fewer young that are produced, and I am sure you would have to say -- without going into fancy arithmetic -- that under these circumstances this population is going to collapse, and the story is exactly the same for a number of other birds of prey, the most susceptible of which is the Bald Eagle."

It is noted that the Board fails in its decision to present a single reason, valid or otherwise, in defense of the continued use of this pesticide. On the other hand and, again from the testimony of Dr. Wurcester, who is doing pesticide research: "The case against DDT is absolutely monumental. I can't keep up with the literature that tells about the destructive effects of DDT, primarily on wildlife. I think it is just a matter of time before we learn of the destructive effects on human beings with factors of increased irritability of the nervous system. I think this will happen!"

Editor's Note: The above article is condensed from a more detailed article by Robert Kunz appearing in "The Pequot Conservationist". The original article also has appended extracts of the valuable testimony of proponent parties. Copies of "The Pequot Conservationist" are available from your Editor upon request.

### LEGAL ASPECTS OF THE DDT DECISION

The faulty and incorrect legal approach of the Connecticut Board of Pesticide Control has shown once again in the conduct of the Board's December 1st Hearing in Hartford on the banning of DDT and in the decision of February 16th. Since its beginning, the Board seems to have considered that its primary function was to protect pesticide users from pressures of the general public for protection to wildlife and for protection to our own health. (con't. on page 6)

DDT - LEGAL ... (continued)

The legislation creating our State Board of Pesticide Control specifically "stacks the cards" in favor of pesticide users by requiring the membership to represent special interests such as agriculture. Is it any wonder that the Board's history is thus one of protecting pesticide interests rather than protecting the general public?

The recent United States Court of Appeals decision reversing the granting of a permit to Con Edison at Mt. Storm King in New York sets a level of public protection which could be and should be used as a guide by Connecticut administrative agencies charged with a duty to protect the public. In that case the federal agency's decision was reversed because the agency on its own had not sought out information to properly evaluate the interest of all citizens. Rather the federal agency (as did our Board of Pesticide Control) sat back and placed the burden upon the public to hire experts, etc. to try to protect themselves.

It is time for a change in the law setting up the Pesticide Board, in the legal procedures used by Connecticut administrative bodies and in the attitudes of our law-makers including the executive as well as the legislative. It is time for the public to get a "fair shake".

The decision of February 16th shows clearly that the outmoded philosophy of the Board is to regulate pesticides only when overwhelming evidence shows great harm has occurred. Rather the Board can and should under our Connecticut law take the public protective position of allowing use of persistent pesticides such as DDT only when some clear public value will be assisted. It was interesting to note that the pro-DDT speakers at the December 1st hearing were those whose interest in the use of DDT was commercial. There were no members of the general public urging the use of DDT because of public benefits. When dealing with a known killer of the potency of DDT the public should have the benefit of the doubt not the commercial spray applicators who certainly can find other methods. This environment is the only one which we and our children have to occupy.

Our law deals with and operates by words and when meanings are ignored or warped, law loses its effectiveness. The Pesticide Board decision allowing DDT spraying before the leaves appear on trees and then rationalizing this by saying later in the decision that thus song birds and nesting birds will be protected, ignores or warps what probably is the most horrible aspect of DDT which is its persistence. The persistence of DDT is well documented in our scientific literature as remaining in the environment for many, many years. To imply that after a short period of time safety will occur illustrates a warping or ignoring of the persistence concept by the Board members who capsule persistence into a time scale of a few weeks or months for which there is no justification in any scientific literature.

Richard M. Bowers

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CHAIRMAN'S DESK ... (continued)

A plea for volunteers! Our Chapter activity as you can see is growing fast in scope; also our Connecticut population is growing too fast for us not to make special efforts to tell more of what the Conservancy does. Most immediately the Chapter needs a person with talents in radio or television to set up a special program for the Chapter. The germ of an idea has been spawned; organization and expertise is needed for proper growth. Also our Chapter needs a publicity coordinator able to correlate our activities throughout the state. Anyone interested, please write the Chapter Chairman. SWT

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THE NATURE CONSERVANCY

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The Editor invites any comments concerning, or articles for the Chapter Newsletter.

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